

106TH CONGRESS
1ST SESSION

H. R. 3090

To amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 1999

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ELIM NATIVE CORPORATION LAND RESTORA-**
4 **TION.**

5 The Alaska Native Claims Settlement Act (43 U.S.C.
6 1601 et seq.) is amended by adding at the end the fol-
7 lowing new section:

8 “ELIM NATIVE CORPORATION LAND RESTORATION

9 “SEC. 42. (a) FINDINGS.—The Congress finds that—

1 “(1) approximately 350,000 acres of land were
2 withdrawn by Executive Orders in 1917 for the use
3 of the United States Bureau of Education and of
4 the Natives of Indigenous Alaskan race;

5 “(2) these lands comprised the Norton Bay
6 Reservation (later referred to as Norton Bay Native
7 Reserve) and were set aside for the benefit of the
8 Native inhabitants of the Eskimo Village of Elim,
9 Alaska;

10 “(3) in 1929, an Executive Order deleted
11 50,000 acres of land from the Norton Bay Reserva-
12 tion;

13 “(4) the deleted lands were not offered to be re-
14 stored to the original Reservation when lands com-
15 prising the Reservation were made available to the
16 Native inhabitants of Elim under section 19(b) of
17 this Act at the time of passage of this Act;

18 “(5) the deletion of these lands has been and
19 continues to be a source of deep concern to the in-
20 digenous people of Elim; and

21 “(6) until this matter is dealt with, it will con-
22 tinue to be a source of great frustration and sense
23 of loss among the shareholders of the Elim Native
24 Corporation and their descendants.

1 “(b) WITHDRAWAL AND AVAILABILITY FOR SELEC-
2 TION.—The lands described in subsection (c) are with-
3 drawn, subject to valid existing rights, from all forms of
4 appropriation or disposition under the public land laws,
5 including the mining and mineral leasing laws, for a period
6 of 2 years from the date of enactment of this section, for
7 selection by the Elim Native Corporation.

8 “(c) LANDS DESCRIBED.—The lands described in
9 this section are within the boundary of a parcel of land
10 in the vicinity of Elim, Alaska, more particularly depicted
11 and designated ‘Temporary Withdrawal Area’ on the map
12 dated August 1, 1999, and entitled Land Withdrawal Elim
13 Native Corporation Land Restoration.

14 “(d) AUTHORIZATION TO SELECT AND RECEIVE
15 TITLE TO LANDS; RESERVATION OF EASEMENT.—The
16 Elim Native Corporation is authorized to select and re-
17 ceive title to 50,000 acres of lands within the boundary
18 of the lands described in subsection (c). The Secretary is
19 authorized and directed to receive and adjudicate a selec-
20 tion application filed by the Elim Native Corporation, and
21 to convey the surface and subsurface estate in the selected
22 lands to the Elim Native Corporation subject to the fol-
23 lowing rules, conditions, and limitations:

24 “(1) The Elim Native Corporation shall have 2
25 years from the date of the enactment of this section

1 in which to file its selection of no more than 60,000
2 acres of land from the area described in subsection
3 (c). The selection application shall be filed with the
4 Bureau of Land Management, shall describe a single
5 tract adjacent to U.S. Survey No. 2548, Alaska, and
6 shall be reasonably compact, contiguous, and in
7 whole sections except when separated by unavailable
8 land or when the remaining entitlement is less than
9 a whole section. The Elim Native Corporation shall
10 prioritize its selections made pursuant to this section
11 at the time such selections are filed, and such
12 prioritization shall be irrevocable. Any lands selected
13 shall remain withdrawn until conveyed or full entitle-
14 ment has been achieved.

15 “(2)(A) The selection filed by the Elim Native
16 Corporation pursuant to this section shall be subject
17 to valid existing rights and may not supersede prior
18 selections of the State of Alaska, any Native cor-
19 poration, or valid entries of any private individual
20 unless such selection or entry is relinquished prior to
21 any selection by the Elim Native Corporation. Any
22 lands held within the exterior boundaries of lands
23 conveyed to the Elim Native Corporation shall have
24 all rights of ingress and egress to be vested in the
25 inholder and the inholder’s agents, employees, co-

1 venturers, licensees, or subsequent grantees, and
2 such easements shall be reserved in the conveyance
3 to the Elim Native Corporation. Public Land Order
4 5563 of December 16, 1975, is hereby modified to
5 extend to the lands withdrawn pursuant to this sec-
6 tion and the Secretary is authorized, at the Sec-
7 retary's discretion, to permit selections and convey-
8 ances of hot or medicinal springs (referred to herein
9 as 'hot springs') pursuant to this section.

10 “(B) If any lands are conveyed to Elim Native
11 Corporation which are also subject to withdrawal for
12 hot springs under this section, there shall be in the
13 conveyance the following rights reserved to the
14 United States, covenants, and conditions:

15 “(i) The right of ingress and egress over
16 easements under 17(b) of this Act for the pub-
17 lic to visit the hot springs for noncommercial
18 purposes and to use any part of the hot springs
19 that is not commercially developed.

20 “(ii) The right of the United States to
21 enter upon the lands for the purpose of con-
22 ducting scientific research and to use the re-
23 sults of such research without compensation to
24 Elim Native Corporation.

1 “(iii) A covenant running with the land
2 that commercial development of the hot springs
3 by Elim Native Corporation or its successors,
4 assigns, or grantees shall include the right to
5 develop a maximum of 15 percent of the land
6 upon which the hot springs are located and the
7 land within 1/4 mile of the land upon which the
8 hot springs are located.

9 “(C) The Secretary is authorized to negotiate
10 with Elim Native Corporation a memorandum of un-
11 derstanding to implement the provisions of this
12 paragraph.

13 “(3) The Bureau of Land Management shall re-
14 serve easements to the United States for the benefit
15 of the public pursuant to section 17(b) of this Act
16 in the conveyance to the Elim Native Corporation.

17 “(4) The Bureau of Land Management may re-
18 serve an easement for the Iditarod National Historic
19 Trail in the conveyance to the Elim Native Corpora-
20 tion.

21 “(e) FINALITY OF SELECTIONS.—Selection by the
22 Elim Native Corporation of lands under subsection (d)
23 and final conveyance of those lands to Elim Native Cor-
24 poration shall constitute full satisfaction of any claim of

1 entitlement of the Elim Native Corporation with respect
2 to its land entitlements under section 19(b).

3 “(f) IMPLEMENTATION.—There are authorized to be
4 appropriated such sums as may be necessary to implement
5 this section.”.

6 **SEC. 2. COMMON STOCK TO ADOPTED-OUT DESCENDANTS.**

7 Section 7(h)(1)(C)(iii) of the Alaska Native Claims
8 Settlement Act (43 U.S.C. 1606(h)(1)(C)(iii)) is amended
9 by inserting before the period at the end the following:
10 “, notwithstanding an adoption, relinquishment, or termi-
11 nation of parental rights that may have altered or severed
12 the legal relationship between the gift donor and recipi-
13 ent”.

14 **SEC. 3. DEFINITION OF SETTLEMENT TRUST.**

15 Section 3(t)(2) of the Alaska Native Claims Settle-
16 ment Act (43 U.S.C. 1602(t)(2)) is amended by striking
17 “sole” and all that follows through “Stock” and inserting
18 “benefit of shareholders, Natives, and descendants of Na-
19 tives,”.

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